

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54941 of 2019

Arising Out of PS. Case No.-96 Year-2019 Thana- LAURIA District- West Champaran

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ASHOK PATEL S/O Harilal Patel Residence of Village- Mangurahan Naya Basti, P.S.- Lauriya, District- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-08-2019 Petitioner seeks bail in anticipation of his arrest in connection with Lauriya P.S. Case No. 96 of 2019, registered for the offences punishable under Sections 366 (A)/34 of the Indian Penal Code and Section 8/10 of the POCSO Act.

Allegation against the petitioner is that he kidnapped the minor daughter of the informant.

Submission of the learned counsel for the petitioner is that as a matter of fact, she was love affairs with the petitioner and they have got solemnized the marriage and her statement was also recorded under Section 164 of the Cr.P.C., but the learned Addl. Sessions Judge has not considered the statement recorded under Section 164 Cr.P.C. Moreover, medical report disclosed that she is major.

Heard learned A.P.P. also.



In view of the above facts and circumstances, this application is disposed of with direction to the Special Judge to verify the contents of the statement of victim recorded under Section 164 Cr.P.C. and if the victim has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C., petitioner will be released on bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the 1st Additional District & Sessions Judge-cum- Special Judge, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 96 of 2019, subject to conditions as laid down under Section 438 (2) of the Cr.P.C. and further direction is that one of the bailors of the petitioners shall be a local persons having sufficient immovable property within the jurisdiction of the Court concerned. Otherwise petitioner is directed to surrender before the learned court below and make prayer for regular bail.

(Vinod Kumar Sinha, J)

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